

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Renaldo Navarro,

Plaintiff,

vs.

Menzies Aviation, Inc., DOING BUSINESS AS
MENZIES; and DOES 1 through 10, inclusive,

Defendants.

) Case No. 3:19-cv-8157

) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT MENZIES AVIATION,**
) **INC.'S MOTION FOR SUMMARY**
) **JUDGMENT**

) State Court Action Filed: 10/23/19

) Action Removed: December 16, 2019

1 On November 19, 2020, the Court heard argument on the Motion for Summary Judgment, or in
2 the Alternative, Partial Summary Judgment, filed by Defendant Menzies Aviation, Inc. After
3 considering the arguments of counsel presented at that hearing, as well as the moving, opposition and
4 reply briefs and supporting material, the Court finds as follows:

5 1. Plaintiff's first cause of action alleging race and national origin discrimination fails
6 because Plaintiff cannot state a *prima facie* claim of discrimination. Even if Plaintiff could set forth
7 such a *prima facie* claim, he has not created a genuine issue of material fact with respect to Menzies'
8 honest and good-faith belief that Plaintiff engaged in misconduct amounting to harassment of
9 subordinate employees, and he has not satisfied his burden to show by substantial evidence that
10 Menzies' articulated reasons were pretext for unlawful discrimination.

11 2. Plaintiff's second cause of action alleging retaliation fails because he cannot state a *prima*
12 *facie* claim of retaliation where his alleged protected activity was in fact illegal activity under federal
13 labor law. Even if Plaintiff could set forth such a *prima facie* claim, he has not created a genuine issue
14 of material fact with respect to Menzies' honest and good-faith belief that he engaged in misconduct,
15 and he has not satisfied his burden to show by substantial evidence that Menzies' articulated reasons
16 were pretext for unlawful retaliation.

17 3. Plaintiff's third cause of action alleging wrongful termination in violation of public
18 policy fails because the claim is duplicative and derivative of his statutory discrimination and retaliation
19 causes of action, such that the failure of the first two causes of action renders his wrongful termination
20 in violation of public policy claim deficient as a matter of law.

21 4. Plaintiff's fourth cause of action alleging intentional infliction of emotional distress fails
22 because he only alleges garden variety employment termination claims which fall within the preemptive
23 sweep of California's Workers' Compensation Act.

24 The foregoing findings by the Court render each and every cause of action alleged in the
25 Complaint invalid and preclude Plaintiff from presenting a genuine issue of material fact for trial.
26 Accordingly, the Court hereby GRANTS Menzies' motion in its entirety and enters judgment in favor of
27 Menzies and against Plaintiff as to all claims and causes of action in this matter.
28

1 IT IS SO ORDERED.

2
3 DATED:

4
5
6 HON. VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE